

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

2015 NOV 10 AM 10:05

CLERK OF COURT

UNITED STATES OF AMERICA,

Petitioner,

v.

RICHARD PHILLIPS,

Respondent.

Civil Action No.

**4-15 CV 8.58-Y**

**PETITION TO ENFORCE IRS SUMMONS**

The United States of America, on behalf of the Internal Revenue Service, petitions this Court to require respondent Richard Phillips to comply with an IRS summons, as follows:

1. Jurisdiction for this proceeding exists under 26 U.S.C. § 7604(a).
2. Venue is proper in this Court because Richard Phillips resides in Tarrant County, Texas. Richard Phillips's address is 5812 Dana Drive, Haltom City, Texas 76117.

3. The Internal Revenue Code authorizes the Secretary of Treasury,

[f]or the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax . . . , or collecting any such liability . . . [t]o summon the person liable for tax . . . or any officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable for tax . . . , or any other person the Secretary may deem proper, to appear before the Secretary at a time and

place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry

....

26 U.S.C. § 7602(a). This section “has long been characterized as an inquisitorial, rather than an accusatorial power, somewhat analogous to a grand jury investigation.” *United States v. Wyatt*, 637 F.2d 293, 299 (5th Cir. 1981). The Fifth Circuit holds that it is to be “liberally construed” to permit the IRS to carry out its duties. *United States v. Schwartz*, 469 F.2d 977, 982 (5th Cir. 1972); *see also United States v. McKay*, 372 F.2d 174, 176 (5th Cir. 1967).

4. James Ashton, a revenue officer of the IRS and an authorized delegate of the Secretary of the Treasury and the Commissioner of the IRS, is investigating the collection of certain tax liabilities of a third party, Patrick Phillips. On April 9, 2015, Ashton issued an IRS summons (Form 2039) to Richard Philips pursuant to section 7602 of the Internal Revenue Code.<sup>1</sup> The summons relates to the IRS’s attempts to investigate and collect on certain tax liabilities of Patrick Phillips.

5. The summons required Richard Phillips to appear at the IRS office at 5450 Stratum Drive, Fort Worth, Texas 76137, on May 21, 2015, at 10:00 a.m., to give testimony and to produce for examination the information, documents, and records pertaining to a limited liability company known as Corpsupport Services, LLC (“Corpsupport”), as described in the summons. Texas Secretary of State records indicate that Corpsupport’s organizer and managing member is Richard Phillips. And other

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<sup>1</sup> A true and correct copy of the declaration of James Ashton is attached to this petition, and includes as Exhibit A to the declaration a copy of the summons.

evidence available to the IRS indicates that checks are written from a Corpsupport bank account for the benefit of Patrick Phillips, the taxpayer whose tax liability is being investigated. Therefore, a summons was issued to Richard Phillips to obtain information about Corpsupport and its payments to Patrick Phillips.

6. Ashton served the summons on Richard Phillips by leaving an attested copy at the last and usual place of abode for Richard Phillips at 5812 Dana Drive, Haltom City, Texas 76117, on April 10, 2015. This is a proper method of serving a summons, under 26 U.S.C. § 7603(a). *See* Declaration of James Ashton ¶ 4; Exhibit A.

7. Richard Phillips did not appear at the IRS office in response to the summons, nor has he subsequently provided the summonsed testimony and documents. *See* Declaration of James Ashton, ¶ 5.

8. The summons was issued to investigate the collection of Patrick Phillips's tax liability, which is a legitimate purpose for issuing a summons under the Internal Revenue Code. The materials sought in the summons are relevant to that purpose. The information requested is not in the possession of the IRS. In addition, the IRS has followed the administrative steps related to the IRS's investigatory activities and required by the Internal Revenue Code and there is no Justice Department referral in effect. *See* Declaration of James Ashton ¶¶ 2–3, 6–9.

9. As demonstrated in this petition and the accompanying declaration and exhibit, the IRS has established a prima facie case for enforcement of the summons under *United States v. Powell*, 379 U.S. 48 (1964). Pursuant to *Powell*, the IRS is entitled to enforce a summons when it shows:

that the investigation will be conducted pursuant to a legitimate purpose, that the inquiry may be relevant to the purpose, that the information sought is not already within the Commissioner's possession, and that the administrative steps required by the Code have been followed—in particular, that the “Secretary or his delegate,” after investigation, has determined the further examination to be necessary and has notified the taxpayer in writing to that effect.

*Powell*, 379 U.S. at 57–58. Once the IRS has established the *Powell* requirements, the burden shifts to the respondent to either disprove one of the four elements or to demonstrate that judicial enforcement of the summons would constitute an abuse of process. *United States v. Davis*, 636 F.2d 1028, 1034 (5th Cir. 1981) (citing *Powell*, 379 U.S. at 58).

FOR ALL THESE REASONS, the United States of America respectfully requests that the Court:


- (a) issue an order directing Richard Phillips to appear before this Court to show cause, if any, why an order should not be issued directing and commanding Richard Phillips to appear before an officer of the IRS at such time and place as the Court may order, to give such testimony, and to produce such records, as were requested in the summons;
- (b) at the hearing described above, issue an order directing and commanding Richard Phillips to appear before an officer of the IRS at such time and place as the Court may order, to give such testimony, and to produce such records, as were requested in the summons;

- (c) provide in its show cause order that service of the show cause order, together with a copy of this petition and the accompanying declaration and exhibit, may be made on Richard Phillips by revenue officer James Ashton, or any other revenue officer or any proper officer of the IRS, in any manner consistent with Rule 4 of the Federal Rules of Civil Procedure; and
- (d) award the United States such other and further relief to which it may be entitled.

DATED: November 10, 2015

Respectfully submitted,

JOHN R. PARKER  
United States Attorney

  
Brian W. Stoltz  
Assistant United States Attorney  
Texas Bar No. 24060668  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8626  
Facsimile: 214-659-8807  
brian.stoltz@usdoj.gov

Attorneys for Petitioner

**DECLARATION**

James Ashton declares:

1. I am a duly commissioned revenue officer employed in the Small Business/Self-Employed Division, Gulf States Compliance Area of the Internal Revenue Service at Galleria Village, 1740 Briarcrest Dr., Bryan, TX 77802.

2. In my capacity as a revenue officer, I am conducting an investigation into the collection of the tax liabilities of Patrick Phillips for the calendar years ending December 31, 2000; December 31, 2001; December 31, 2002; December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006 and December 31, 2007.

3. In furtherance of the above investigation and in accordance with Section 7602 of Title 26, U.S.C., I issued an administrative summons, Internal Revenue Service Form 2039, on April 9, 2015 to Richard Phillips, 5812 Dana Dr., Haltom City, TX 76117 to appear to give testimony and produce for examination books, papers, records, or other data as described in said summons. The summons is attached to this declaration as Exhibit A.

4. In accordance with Section 7603 of Title 26, U.S.C., an attested copy of the Internal Revenue Service summons described in Paragraph (3) was served on the respondent, Richard

Phillips, on April 10, 2015 by affixing the summons to the front door of the residence located at 5812 Dana Dr., Haltom City, TX 76117, as evidenced in the certificate of service on the reverse side of the summons, and after this address was first verified as being the principal residence of Richard Phillips by Sue Robertson, the mother-in-law of Richard Phillips who resides in an apartment located in the rear of the property.

5. On May 21, 2015, Richard Phillips did not appear as required by the summons and has not subsequently provided the summonsed records and testimony as of the date of this declaration.

6. The investigation for which the summons was issued is being conducted pursuant to a legitimate purpose, the inquiry being made is relevant to that purpose, and the books, papers, records, or other data sought by the summons are not already in the possession of the Internal Revenue Service.

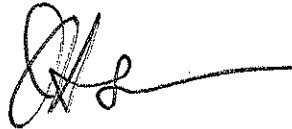
7. All administrative steps required by the Internal Revenue Code for issuance of a summons have been taken in this case.

8. There is no "Justice Department referral" in effect with respect to respondent with regards to the summons for calendar years ending December 31, 2000; December 31, 2001; December 31, 2002; December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006 and December 31, 2007.

9. It is necessary to obtain books, papers, records or other data sought by the summons in order to collect the federal tax liabilities of Patrick Phillips for calendar ending December 31, 2000; December 31, 2001; December 31, 2002; December 31, 2003; December 31, 2004; December 31, 2005; December 31, 2006 and December 31, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of October, 2015.

A handwritten signature in black ink, appearing to read 'JA', with a long horizontal line extending to the right.

James Ashton  
Revenue Officer





# Summons

In the matter of Patrick Phillips, 825 Northern Trace, Keller, TX 76248

Internal Revenue Service (Division): Small Business/Self Employed

Industry/Area (name or number): Small Business/Self Employed - Area

Periods: See attachment for Period information

## The Commissioner of Internal Revenue

To: Richard Phillips, as third-party keeper of records.

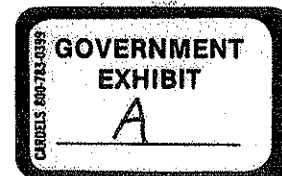
At: 5812 Dana Dr., Haltom City, TX 76117

You are hereby summoned and required to appear before James Ashton, an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

For the period starting January 1, 2014 to the date of full compliance with this summons, bank statements and cancelled checks from all accounts held in the name of Corpsupport Services, LLC for which you have signature authority; documents pertaining to the creation and registration of Corpsupport Services, LLC; reports filed with any governmental agency; correspondence, electronic or written, involving these accounts and all tax returns filed with the IRS for the past three years.

NOTE-This summons is exempt from the notice requirements by section 7609 (c)(2)(D) of the Internal Revenue Code.

Do not write in this space



Business address and telephone number of IRS officer before whom you are to appear:

Internal Revenue Service, Galleria Village, 1740 Briarcrest Dr., Bryan, TX 77802 979-268-1053

Place and time for appearance at Internal Revenue Service, 5450 Stratum Dr., Fort Worth, TX 76137



Department of the Treasury

Internal Revenue Service

www.irs.gov

Form 2039 (Rev. 12-2001)

Catalog Number 21405J

on the 21st day of May, 2015 at 10:00 o'clock A m.

Issued under authority of the Internal Revenue Code this 9th day of April, 2015

James Ashton

Revenue Officer

Signature of Issuing Officer

Title

Per Electronic Approval Thomas Carson

Supervisory Revenue Officer

Signature of Approving Officer (if applicable)

Title

Original -- to be kept by IRS

Do not write in this space

Business address and telephone number of IRS officer before whom you are to appear:

Internal Revenue Service, Galleria Village, 1740 Briarcrest Dr., Bryan, TX 77802 979-268-1053

Place and time for appearance at Internal Revenue Service, 5450 Stratum Dr., Fort Worth, TX 76137



**IRS**

Department of the Treasury

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Form 2039(Rev. 12-2001)

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James Ashton

Signature of Issuing Officer

Revenue Officer

Title

Per Electronic Approval

Thomas Carson

Signature of Approving Officer (if applicable)

Supervisory Revenue Officer

Title

Original -- to be kept by IRS

**Attachment to Summons Form 2039**

In the matter of Patrick Phillips

Period information: Annual periods ending December 31, 2000; December 31, 2001; December 31, 2002; December 31, 2003, December 31, 2004, December 31, 2005; December 31, 2006 and December 31, 2007.



# Service of Summons, Notice and Recordkeeper Certificates

(Pursuant to section 7603, Internal Revenue Code)

I certify that I served the summons shown on the front of this form on:

Date	4/10/2015	Time	9:50A
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## How Summons Was Served

1. ☐ I certify that I handed a copy of the summons, which contained the attestation required by § 7603, to the person to whom it was directed.
2. ☒ I certify that I left a copy of the summons, which contained the attestation required by § 7603, at the last and usual place of abode of the person to whom it was directed. I left the copy with the following person (if any): 5812 Deena Dr, Haltom City, TX 76117  
Attached to the front door
3. ☐ I certify that I sent a copy of the summons, which contained the attestation required by § 7603, by certified or registered mail to the last known address of the person to whom it was directed, that person being a third-party recordkeeper within the meaning of § 7603(b). I sent the summons to the following address:

Signature	<i>[Signature]</i>	Title	Revenue Officer
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- |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. This certificate is made to show compliance with IRC Section 7609. This certificate does not apply to summonses served on any officer or employee of the person to whose liability the summons relates nor to summonses in aid of collection, to determine the identity of a person having a numbered account or similar arrangement, or to | <p>determine whether or not records of the business transactions or affairs of an identified person have been made or kept.</p> <p>I certify that, within 3 days of serving the summons, I gave notice (Part D of Form 2039) to the person named below on the date and in the manner indicated.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Date of giving Notice: \_\_\_\_\_ Time: \_\_\_\_\_

Name of Noticee: \_\_\_\_\_

Address of Noticee (if mailed): \_\_\_\_\_

## How Notice Was Given

- |                                                                                                                                                     |                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> I gave notice by certified or registered mail to the last known address of the noticee.                                    | <input type="checkbox"/> I gave notice by handing it to the noticee.                                                         |
| <input type="checkbox"/> I left the notice at the last and usual place of abode of the noticee. I left the copy with the following person (if any). | <input type="checkbox"/> In the absence of a last known address of the noticee, I left the notice with the person summonsed. |
|                                                                                                                                                     | <input type="checkbox"/> No notice is required.                                                                              |

Signature	Title
-----------	-------

I certify that the period prescribed for beginning a proceeding to quash this summons has expired and that no such proceeding was instituted or that the noticee consents to the examination.

Signature	Title
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Do not write in this space

**Business address and telephone number of IRS officer before whom you are to appear:**

Internal Revenue Service, Galleria Village, 1740 Briarcrest Dr., Bryan, TX 77802 979-268-1053

**Place and time for appearance at** Internal Revenue Service, 5450 Stratum Dr., Fort Worth, TX 76137



Department of the Treasury  
Internal Revenue Service

[www.irs.gov](http://www.irs.gov)

Form 2039 (Rev. 12-2001)  
Catalog Number 21405J

on the 21st day of May, 2015 at 10:00 o'clock A m.

Issued under authority of the Internal Revenue Code this 9th day of April, 2015

James Ashton

Signature of Issuing Officer

Revenue Officer

Title

Per Electronic Approval

Thomas Carson

Signature of Approving Officer (if applicable)

Supervisory Revenue Officer

Title

**Original -- to be kept by IRS**

## CIVIL COVER SHEET

ORIGINAL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

United States of America

## DEFENDANTS

Richard Phillips

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Tarrant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian W. Stoltz, Ass't U.S. Attorney, 1100 Commerce, Third Floor,  
Dallas, Texas 75248 (214) 659-8626

Attorneys (If Known)

4-15 CV 8.58-Y

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input checked="" type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
26 USC 7604Brief description of cause:  
Petition to Enforce IRS Summons

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED PENDING OR CLOSED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11-10-2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE